

Town Council Meeting: 01 August 2006



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Special Meeting of Town Council
Garrett Park Town Office
4600 Waverly Avenue
Garrett Park, MD 20896

MINUTES

Call to Order: Mayor Shawaker called the meeting to order at 8:15 PM. Present were Councilmembers Altar, Benjamin, Irons, Soltan, and Wegner.

Approval of Agenda: The agenda was approved as posted without objection.

Action/Discussion: Joining the National Flood Insurance Program – Mayor Shawaker asked Councilmember Benjamin to present the National Flood Insurance Program (NFIP) Resolution of Intent.

Councilmember Benjamin placed the resolution on the floor for the purpose of discussion by **MOVING**

That the Garrett Park Town Council adopt the National Flood Insurance Program Resolution of Intent as distributed. Councilmember Soltan seconded the motion..

Councilmember Benjamin briefed the Council on the research he had performed, contacting County, State, and Federal Officials to discuss the implications of the Town joining the NFIP, particularly as it might affect residents who lived in areas not subject to flooding, and obtaining their concurrence in the proposed resolution, which differs from the standard version previously considered by the Council. He drew the Council's attention to a letter from Associate County Attorney Malcolm F. Spicer, Jr., which is attached to these minutes.

After extended discussion Councilmember Benjamin accepted a number of friendly amendments to the original draft. Mayor Shawaker then asked for a vote, noting that the adopted draft would be attached to the minutes of the meeting. The motion **PASSED** unanimously.

Adjournment There being no further business to come before the Council, the meeting was adjourned.

Respectfully submitted,

[TOWN SEAL]

Edwin Pratt, Jr, Clerk-Treasurer



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

July 21, 2006

Peter Benjamin, Councilman
Town of Garrett Park
P.O. Box 486
Garrett Park, MD 20896

Dear Mr. Benjamin:

This letter will clarify past communications to the Town relative to the National Flood Insurance Program (NFIP).

According to our records, the Town of Garrett Park is already subject to the Montgomery County Floodplain Ordinance (Chapter 19 of the Montgomery County Code, 2004, Emergency Bills No. 18-89 and 33-92 and Executive Regulation 108-92). No further action is required by the Town relative to this Ordinance in applying for the NFIP and no additional requirements will be placed upon Town residents due to this Ordinance when the Town joins the NFIP. The provisions of Chapter 19 are in full force and effect and enforceable within the boundaries of the Town of Garrett Park.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Malcolm F. Spicer, Jr.", is written over a horizontal line.

Malcolm F. Spicer, Jr.
Associate County Attorney

RESOLUTION OF INTENT TO ENTER THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, certain areas of the Town of Garrett Park, Montgomery County, MD may be subject to periodic flooding or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally guaranteed flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, the Legislature of the State of Maryland has delegated to local governmental units the responsibility to adopt certain regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, it is the intent of the Mayor and Council to require, through the auspices of Montgomery County, MD, the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to land use, building construction repair and remodeling in areas having these hazards;

NOW, therefore, be it resolved, that the Mayor and Council hereby:

Assure the Federal Insurance Administration (FIA) that the Town is subject to the ordinances of Montgomery County, MD relative to flood plain issues, and that the County has enacted as necessary and maintains in force in those areas having flood or flood-related erosion hazards adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Parts 59, 60 and 65 of the National Flood Insurance Program Regulations (44 CFR); and

Vest Montgomery County, MD with the responsibility and authority to:

- (a) Assist the FIA Administrator, as requested, in delineation of the limits of the area having special flood or flood-related erosion hazards.
- (b) Provide such information as the FIA Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.
- (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- (d) Upon occurrence, notify the FIA Administrator in writing whenever the

- (e) County no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps (FHBMs) and Flood Insurance Rate Maps (FIRMs) accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Vest the Mayor of the Town of Garrett Park with the responsibility, authority, and the means to notify the FIA Administrator in writing whenever the boundaries of the Town have been modified by annexation.

Appoint Montgomery County Department of Permitting Services to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRMs, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been flood-proofed.

Agree to take such other official action as may be reasonably necessary to carry out the objective of the program.

Adopted by unanimous vote of the full Town Council at a Special Meeting held on August 1, 2006

Certified by: _____ Date: _____
Edwin Pratt, Jr., Clerk-Treasurer

[TOWN SEAL]